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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 July 2009*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-4,6-10,12-16 and 18-21* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4,6-10,12-16 and 18-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some *   c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Status

1.   Claims 1, 3, 6-7, 13, 15, and 21 have been amended. No claims have been

added. Claims 1-4, 6-10, 12-16, and 18-21 are currently pending. Claim 22 is cancelled.

Response to Arguments

2.   Applicant's arguments with respect to claims 1-4, 6-10, 12-16, and 18-21 have

been considered but are moot in view of the new ground(s) of rejection.

3.   In response to applicant's argument on page 10 that the references fail to show

certain features of applicant's invention, it is noted that the features upon which

applicant relies (i.e., different type of data bits) are not recited in the rejected claim(s).

Although the claims are interpreted in light of the specification, limitations from the

specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26

USPQ2d 1057 (Fed. Cir. 1993).

4.   On page 10 of applicant's arguments the applicant argues that the prior art does

not specifically have a first and a second data. The examiner respectfully disagrees. As

even the applicant states there exists free data as well as chargeable data. There is a

difference between the two types. One is chargeable and one is free. The applicant fails

to claim any specific information about what types the data could be.

5.   On page 11 of applicant's arguments the applicant argues that the SGSN does

not accumulate the data for billing. The examiner respectfully disagrees. As can be

seen in at least ¶ 39 the SGSN collects the data for billing purposes and must then

decide what to charge, whether it be free data or chargeable data.

6.   On page 11 of applicant's arguments the applicant stated that the Alloune

reference does not teach what was stated in the office action. The examiner respectfully

disagrees. As can be seen in at least col. 2, line 16 -67 Alloune teaches accumulating a

billable data count (or charge records) for an individual user.

7.   On page 12 of applicant's arguments the applicant has agreed that it was old and

well known at the time of the invention for nodes within a computer to do a multiple

function. Though the applicant was claiming a method the examiner deemed it

necessary to show the appropriateness of combining the references by discussing

specifics of how the invention would interrelate.

8.   Applicant's arguments filed July 24, 2009 have been fully considered but they are

not persuasive.

9.   On page 11 of applicant's arguments the applicant argues that the data count is

not transmitted from the GGSN to a SGSN. Though there is data transferred back and

forth and the reference even states that the two can be the same thing the examiner is

now relying on Faccinn et al. (US 20020127995 A1) to teach the limitation.

10.   Also, Examiner notes that, as per MPEP § 2144.03(C), the statements of Official

Notice made in the art rejection have been established as admitted prior art since

Applicant has not traversed the Examiner's assertions of Official Notice. More

specifically, the following statements of Official Notice are now formally established on

record as admitted prior art: Official notice now admitted prior art is taken that it was

well known in the telecommunications art at the time of the invention for a type of data

to have different billable data rates.

Specification

11.   The amendment filed July 24, 2009 is objected to under 35 U.S.C. 132(a)

because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no

amendment shall introduce new matter into the disclosure of the invention. The added

material which is not supported by the original disclosure is as follows: The applicant

has included 2 additional paragraphs which include "according to another embodiment."

Applicant cannot introduce new matter into the discloser.

       Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Rejections - 35 USC § 112

12.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

13.   Claims 1-4, 6-10, 12-16, and 18-21 are rejected under 35 U.S.C. 112, first

paragraph, as failing to comply with the written description requirement. The claim(s)

contains subject matter which was not described in the specification in such a way as to

reasonably convey to one skilled in the relevant art that the inventor(s), at the time the

application was filed, had possession of the claimed invention. Claims 1 and 13 were

amended to include "at said GGSN, accumulating only a billable data count." There is

no support in the specification for this new limitation. There is only support for the SCP

receiving only a billable data count. Claim 7 was amended to include details that were

added as new matter into the specification. Thus claim 7 regarding the 4 different types

of data contain new matter.

Claim Rejections - 35 USC § 103

14.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

15.   Claims 1, 3-5, 8-9, 12-17, 21 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Haumont (US 20030027554 A1) in view of Alloune et al. (US

6615034 B1) in further view of Cushnie (2000) in further view of Kari et al. (US 6480485

B1) in further view of Faccinn et al. (US 20020127995 A1).

16.   Regarding claim 1, Haumont teaches a method of providing content-based billing

to a prepaid subscriber (¶ 18-20). Haumont teaches initiating information exchange

between a first Serving General Packet Radio Service Support Node (SGSN) and

Server Control Point (SCP) regarding the prepaid subscriber (¶ 32, 38, 52-61, 19).

Haumont teaches providing volume limit threshold of a type of data to the first SGSN (¶

28, 32-40). Haumont teaches forwarding the volume limit threshold data to a Gateway

GPRS Support Node (GGSN) (¶17, 80). Haumont teaches accumulating a data count at

a SGSN comprising both said type of data and a second type of data (¶ 28, 32-40).

Haumont teaches transmitting the accumulated data count to the first SGSN when the

accumulated data count reaches the volume limit threshold (abstract, ¶ 15, 28, 32-34,

80-81). Haumont teaches providing the accumulated billable data count to the SCP (¶

32-34, 40, 42, 57). Haumont teaches billing (¶ 18-20) does not specifically teach

accumulating a billable data count. However, Alloune teaches accumulating a billable

data count relating to a profile of a prepaid subscriber (col. 2, line 15 - col. 8, line 50).

Haumont teaches services accessible via a subscription in a telecommunication system,

and particularly to a subscription having an account and a predetermined limit. Alloune

teaches communication billing system that provides interrelated processing of wireless

service events. It would have obvious to one of ordinary skill in the art at the time of the

invention to modify Haumont to include the details of accumulating a billable data count.

The majority of telecommunication systems bill based on units or segments of time. In

order to bill a customer it is a requirement that the telecommunications company

accumulate the units or segments into a billable data count. Haumont teaches the forwarding of a volume limit threshold, however not of specific billable data specifically to the GGSN. Haumont teaches that it was known in the art at the time of the invention to forward information from one node to another node. Forwarding specific information in regards to the billable data allows for the information to be forwarded to the correct node. In the Cushnie article one node (GGSN) bills for one usage while the other node bills for a different usage. Whatever node is specifically set up for the billing is required to receive the information in regards to how much to bill as well as information about whether or not the user has gone over predefined user thresholds. Cushnie teaches accumulating a only billable data count at said GGSN comprising a type of data relating to a profile of a prepaid subscriber (pg. 316, Fig. 1). Fig 1 of the Cushnie article teaches the interconnection between the SGSN and the GGSN. The data that flows between the two as well as the billing tickets that are formed from the information. Haumont does not specifically teach the data being transferred from the SGSN to the SCP. However, Cushnie teaches wherein the billable data count is forwarded to a control point from the SGSN (pg. 312-323, Fig. 1). Both Cushnie and Haumont teach billing for different communication models. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Haumont to teach the various connections of the nodes. GGSNs, SGSNs, and SCPs are old and well known in the art. GGSNs and SGSNs are well known to communicate data and information. As can be seen in Haumont Fig. 1 SGSN and SCP communicate as well. All the physical features of claim 1 are taught by Haumont, though he does not specifically teach all the interrelations

between the different nodes. However, it was old and well known at the time of the

invention for nodes within a computer to do multiple functions, to receive information, to

accumulate information, and to transmit that information back to the control point. The

combination of Haumont, Cushnie, and Alloune do not specifically teach the GGSN

accumulating a billable data for only one type of data. However Kari teaches

accumulating a billable data for one type of data. Further, Kari also teaches GGSN and

SGSN having separate types of data and data counts as well accumulating both and

transmitting (see at least col. 2, lines 10-60). Haumont teaches services accessible via

a subscription in a telecommunication system, and particularly to a subscription having

an account and a predetermined limit. Kari teaches a packet radio system comprising a

digital mobile communication network. It would have been obvious to modify Haumont,

Cushnie, and Alloune to include the details of only comprising a specific type of data to

be accumulated by the GGSN. Because the GGSN collects only the billable data it is

important for the only data that is distributed to the GGSN to be data that would be

billable. GGSN and SGSN accumulate different forms of data. Allowing for different

nodes to collect different sources of data is very efficient and also allows for a system

that has different types of data that can be sent and effectively and accurately billed.

Haumont does not specifically go into the details of transferring billable data count from

the GGSN to the SGSN. However, Faccinn teaches that the data count is transmitted

from the GGSN to a SGSN (see at least ¶ 17). This known technique is applicable to

the method of Faccinn as they both share characteristics and capabilities, namely they

are directed to billing within the art of cellular technology. One of ordinary skill in the art

would have recognized that applying the known technique of Faccinn would have
yielded predictable results and resulted in an improved system. It would have been
recognized that applying the technique of Faccinn to the teachings of Haumont would
have yielded predictable results because the level of ordinary skill in the art
demonstrated by the references applied shows the ability to incorporate such data count
transfer of information into similar systems. Further, applying data count transfer
protocol to Haumont, would have been recognized by those of ordinary skill in the art as
resulting in an improved system because as the GGSN provides access to hosts
wanting to communicate with mobile subscribers the SGSN mediates access to network
resources on behalf of mobile subscribers. If the subscriber is over their maximum the
SGSN would be able to affect their access.

17.   Regarding claim 3, Haumont teaches transmitting a new volume limit threshold
for a type of data to the first SGSN and forwarding the new volume limit threshold for
the same to the GGSN (¶ 32-35, 40-42, 57-63).

18.   Regarding claim 4, Haumont teaches providing the first SGSN with information to
release or terminate communications with the PDP a Packet Data Provider (PDP) (¶ 18,
20, 32-33, 44-45, 51, 54-56, 61).

19.   Regarding claim 5, Haumont teaches wherein the GGSN does not accumulate

billable count for selected types of data in accordance with the subscriber profile (¶ 18,

24-25, 29-39).

20.   Regarding claim 8, Haumont teaches wherein the step of providing volume limit

threshold data is provided from the SCP (¶ 25, 32-35, 40-42, 57-63).

21.   Regarding claim 9, Haumont teaches wherein the step of forwarding the volume

limit threshold data is forwarded from the first SGSN (¶ 32-44, 80).

22.   Regarding claim 12, Haumont teaches wherein the information to release or

terminate is provided from the SCP (¶ 25-27, 31-53). Haumont includes each stage

including termination.

23.   Regarding claim 13, Haumont teaches contacting the first SGSN by a second

SGSN indicating a mobility transfer (¶ 17-20, 75, 80). Haumont teaches transmitting the

accumulated data count (¶ 17-20, 54-55). Haumont teaches providing the accumulated

data count to the SCP (¶ 25-27, 31). Haumont teaches terminating communications

between the SCP and the first SGSN with respect to the prepaid subscriber (¶ 36-40,

42-61). Haumont teaches establishing communications between the second SGSN and

the SCP with respect to the prepaid subscriber (¶ 36-40, 42-61). Haumont teaches

providing volume limit threshold data from the SCP to the second SGSN (¶ 32-40).

Haumont teaches accumulating a data count at a SGSN comprising both said first type

of data and a second type of data (¶ 28, 32-40). Haumont teaches forwarding the

volume limited threshold data from the second SGSN to the GGSN (¶50-61). Haumont

teaches transmitting the accumulated data count to the SGSN (¶ 20, 17, abstract, ¶ 15,

28, 32-34, 80-81). Haumont teaches transmitting the accumulated data count to the

second SGSN when the accumulated data count reaches the volume limit threshold

(abstract, ¶ 15, 28, 32-34, 80-81). Haumont teaches providing the accumulated data

count to the SCP (abstract, ¶ 15, 28, 32-34, 40-42, 57). Haumont teaches billing (¶ 18-

20) but does not specifically teach accumulating a billable data count. However, Alloune

teaches accumulating only a billable data count at the GGSN a type data according to

the prepaid subscriber profile (col. 2, line 15 - col. 8, line 50). Haumont teaches services

accessible via a subscription in a telecommunication system, and particularly to a

subscription having an account and a predetermined limit. Alloune teaches

communication billing system that provides interrelated processing of wireless service

events. It would have obvious to one of ordinary skill in the art at the time of the

invention to modify Haumont to include the details of accumulating a billable data count.

The majority of telecommunication systems bill based on units or segments of time. In

order to bill a customer it is a requirement that the telecommunications company

accumulate the units or segments into a billable data count. Haumont does not

specifically teach the data being transferred from the SGSN to the SCP. However,

Cushnie teaches wherein the billable data count is forwarded to a control point from the

SGSN (pg. 312-323, Fig. 1). Both Cushnie and Haumont teach billing for different

communication models. It would have been obvious to one of ordinary skill in the art at

the time of the invention to modify Haumont to teach the various connections of the

nodes. GGSNs, SGSNs, and SCPs are old and well known in the art. GGSNs and

SGSNs are well known to communicate data and information. As can be seen in

Haumont Fig. 1 SGSN and SCP communicate as well. All the physical features of claim

1 are taught by Haumont, though he does not specifically teach all the interrelations

between the different nodes. However, it was old and well known at the time of the

invention for nodes within a computer to do multiple functions, to receive information, to

accumulate information, and to transmit that information back to the control point. The

combination of Haumont, Cushnie, and Alloune do not specifically teach the GGSN

accumulating a billable data for only one type of data. However Kari teaches

accumulating a billable data for one type of data. Further, Kari also teaches GGSN and

SGSN having separate types of data and data counts as well accumulating both and

transmitting (see at least col. 2, lines 10-60). Haumont teaches services accessible via

a subscription in a telecommunication system, and particularly to a subscription having

an account and a predetermined limit. Kari teaches a packet radio system comprising a

digital mobile communication network. It would have been obvious to modify Haumont,

Cushnie, and Alloune to include the details of only comprising a specific type of data to

be accumulated by the GGSN. Because the GGSN collects only the billable data it is

important for the only data that is distributed to the GGSN to be data that would be

billable. GGSN and SGSN accumulate different forms of data. Allowing for different

nodes to collect different sources of data is very efficient and also allows for a system

that has different types of data that can be sent and effectively and accurately billed.

Haumont does not specifically go into the details of transferring billable data count from

the GGSN to the SGSN. However, Faccinn teaches that the data count is transmitted

from the GGSN to a SGSN (see at least ¶ 17). This known technique is applicable to

the method of Faccinn as they both share characteristics and capabilities, namely they

are directed to billing within the art of cellular technology. One of ordinary skill in the art

would have recognized that applying the known technique of Faccinn would have

yielded predictable results and resulted in an improved system. It would have been

recognized that applying the technique of Faccinn to the teachings of Haumont would

have yielded predictable results because the level of ordinary skill in the art

demonstrated by the references applied shows the ability to incorporate such data count

transfer of information into similar systems. Further, applying data count transfer

protocol to Haumont, would have been recognized by those of ordinary skill in the art as

resulting in an improved system because as the GGSN provides access to hosts

wanting to communicate with mobile subscribers the SGSN mediates access to network

resources on behalf of mobile subscribers. If the subscriber is over their maximum the

SGSN would be able to affect their access.

24.   Regarding claim 14, Haumont teaches transmitting the accumulated data count

prior to attainment of the volume limit threshold (¶ 17, 81). Haumont teaches billing (¶

18-20) does not specifically teach accumulating a billable data count. However, Alloune

teaches accumulating a billable data count relating to a profile of a prepaid subscriber

(col. 2, line 15 - col. 8, line 50). Haumont teaches services accessible via a subscription in a telecommunication system, and particularly to a subscription having an account and a predetermined limit. Alloune teaches communication billing system that provides interrelated processing of wireless service events. It would have obvious to one of ordinary skill in the art at the time of the invention to modify Haumont to include the details of accumulating a billable data count. The majority of telecommunication systems bill based on units or segments of time. In order to bill a customer it is a requirement that the telecommunications company accumulate the units or segments into a billable data count. Haumont teaches the forwarding of a volume limit threshold, however not of specific billable data specifically to the GGSN. Haumont teaches that it was known in the art at the time of the invention to forward information from one node to another node. Forwarding specific information in regards to the billable data allows for the information to be forwarded to the correct node. In the Cushnie article one node (GGSN) bills for one usage while the other node bills for a different usage. Whatever node is specifically set up for the billing is required to receive the information in regards to how much to bill as well as information about whether or not the user has gone over predefined user thresholds. Cushnie teaches accumulating a billable data count at said GGSN comprising a first type of data relating to a profile of a prepaid subscriber (pg. 312-323, Fig. 1). Fig 1 of the Cushnie article teaches the interconnection between the SGSN and the GGSN. The data that flows between the two as well as the billing tickets that are formed from the information. Haumont does not specifically teach the data being transferred from the SGSN to the SCP. However, Cushnie teaches wherein the

data is forwarded to a control point from the SGSN (pg. 312-323, Fig. 1). Both Cushnie

and Haumont teach billing for different communication models. It would have been

obvious to one of ordinary skill in the art at the time of the invention to modify Haumont

to teach the various connections of the nodes. GGSNs, SGSNs, and SCPs are old and

well known in the art. GGSNs and SGSNs are well known to communicate data and

information. As can be seen in Haumont Fig. 1 SGSN and SCP communicate as well.

All the physical features of claim 1 are taught by Haumont, though he does not

specifically teach all the interrelations between the different nodes. However, it was old

and well known at the time of the invention for nodes within a computer to do multiple

functions, to receive information, to accumulate information, and to transmit that

information back to the control point. Further, Kari also teaches GGSN and SGSN

having separate types of data and data counts as well accumulating both and

transmitting (see at least col. 2, lines 10-60).

25.   Regarding claim 15, Haumont teaches transmitting a new volume limit threshold

for a type of data from the SCP to the second SGSN and forwarding the new volume

limit threshold for a type of data from the second SGSN to the GGSN (¶ 32-35, 40-42,

57-63).

26.   Regarding claim 16, Haumont teaches providing the second SGSN with

information to release or terminate communications with the PDP a Packet Data

Provider (PDP) (¶ 18, 20, 32-33, 44-45, 51, 54-56, 61).

27.   Regarding claim 17, Haumont teaches wherein the GGSN does not accumulate billable count for selected types of data in accordance with the subscriber profile (¶ 18, 24-25, 29-39).

28.   Regarding claim 21, Haumont teaches wherein the charge rate of a type of data is provided at no cost to the subscriber (see at least abstract).

29.   Claims 2, 10, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haumont (US 20030027554 A1) in view of Alloune et al. (US 6615034 B1) further view of Cushnie (2000) in further view of Kari et al. (US 6480485 B1) as shown above in further view of Official Notice now admitted prior art, in further view of Faccinn et al. (US 20020127995 A1).

30.   Regarding claim 2, Haumont teaches transmitting the accumulated data count if an exchange of data between the BSC/RNC a Base Station Controller/Radio Network Controller (BSC/RNC) and the first SGSN is interrupted before the volume limit threshold is reached (¶ 17, 81). Calls are often stopped or disconnected well before the volume limit threshold is reached. A call that would not be disconnected before the volume limit threshold would be a call that would consume the volume in its entirety. Calls are terminated all the time. Official Notice now admitted prior art is taken that UMTS has RNC. Official Notice is taken that a BSC is part of a BSS. Haumont teaches

billing (¶ 18-20) does not specifically teach accumulating a billable data count. However, Alloune teaches accumulating a billable data count relating to a profile of a prepaid subscriber (col. 2, line 15 - col. 8, line 50). Haumont teaches services accessible via a subscription in a telecommunication system, and particularly to a subscription having an account and a predetermined limit. Alloune teaches communication billing system that provides interrelated processing of wireless service events. It would have obvious to one of ordinary skill in the art at the time of the invention to modify Haumont to include the details of accumulating a billable data count. The majority of telecommunication systems bill based on units or segments of time. In order to bill a customer it is a requirement that the telecommunications company accumulate the units or segments into a billable data count. Haumont teaches the forwarding of a volume limit threshold, however not of specific billable data specifically to the GGSN. Haumont teaches that it was known in the art at the time of the invention to forward information from one node to another node. Forwarding specific information in regards to the billable data allows for the information to be forwarded to the correct node. In the Cushnie article one node (GGSN) bills for one usage while the other node bills for a different usage. Whatever node is specifically set up for the billing is required to receive the information in regards to how much to bill as well as information about whether or not the user has gone over predefined user thresholds. Cushnie teaches accumulating a billable data count at said GGSN comprising a first type of data relating to a profile of a prepaid subscriber (pg. 312-323, Fig. 1). Fig 1 of the Cushnie article teaches the interconnection between the SGSN and the GGSN. The data that flows between the two as well as the billing tickets

that are formed from the information. Haumont does not specifically teach the data

being transferred from the SGSN to the SCP. However, Cushnie teaches wherein the

data is forwarded to a control point from the SGSN (pg. 312-323, Fig. 1). Both Cushnie

and Haumont teach billing for different communication models. It would have been

obvious to one of ordinary skill in the art at the time of the invention to modify Haumont

to teach the various connections of the nodes. GGSNs, SGSNs, and SCPs are old and

well known in the art. GGSNs and SGSNs are well known to communicate data and

information. As can be seen in Haumont Fig. 1 SGSN and SCP communicate as well.

All the physical features of claim 1 are taught by Haumont, though he does not

specifically teach all the interrelations between the different nodes. However, it was old

and well known at the time of the invention for nodes within a computer to do multiple

functions, to receive information, to accumulate information, and to transmit that

information back to the control point. Further, Kari also teaches GGSN and SGSN

having separate types of data and data counts as well accumulating both and

transmitting (see at least col. 2, lines 10-60).

31.   Regarding claim 10, Haumont teaches the step of exchanging data between a

Base Station Controller (BSC), the first SGSN, and the GGSN (¶ 17, 19). Official Notice

now admitted prior art is taken that the BSC is a part of the BSS.

32.   Regarding claim 20, Haumont teaches exchanging data between a second BSC,
the second SGSN and the GGSN (¶ 17, 19). Official Notice now admitted prior art is
taken that the BSC is a part of the BSS.

33.   Claims 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable
over Haumont (US 20030027554 A1) in view of Alloune et al. (US 6615034 B1) further
view of Cushnie (2000) in further view of Kari et al. (US 6480485 B1) as shown above in
further view of Hasan et al. (US 6707813 B1), in further view of Faccinn et al. (US
20020127995 A1).

34.   Regarding claim 18, Haumont teaches transiting accumulated data count,
providing the accumulated data count, terminated communications, establishing
communications, providing volume limit, and forwarding said volume limit. Alloune
teaches accumulating billable data. Haumont and Alloune combined do not specifically
teach where the second SGSN is established prior to terminating the first SGSN
because wireless voice communication works off of towers to transmit the signal.
However, Hasan teaches wherein communication between the second SGSN and the
SCP is established prior to termination of communication between the first SGSN and
SCP (col. 1, line 62 – col. 7, line 35). Haumont teaches services accessible via a
subscription in a telecommunication system, and particularly to a subscription having an
account and a predetermined limit. Alloune teaches communication billing system that
provides interrelated processing of wireless service events. Hasan teaches a radio

telecommunication systems and a method of call control to minimize delays in launching

multimedia or voice calls in a packet-switched radio telecommunications network. It

would have been obvious to one or ordinary skill in the art at the time of the invention to

modify Haumont to include the specifics of where the second SGSN is established prior

to terminating the first SGSN because wireless voice communication works off of towers

to transmit the signal. The signal of an individual tower is not infinite, so it requires the

use of multiple towers to be sure there aren't interruptions in use. All cellular

communication requires the use of more then one tower. It is vital when using wireless

voice communication to have seamless communication. If the second SGSN is not

established prior to the termination of the first SGSN an interruption in the conversation

will occur, causing a brief silence or a force termination of the call. From a customer

service aspect, force termination or interruptions are frowned upon.

35.   Regarding claim 19, Haumont teaches transiting accumulated data count,

providing the accumulated data count, terminated communications, establishing

communications, providing volume limit, and forwarding said volume limit. Alloune

teaches accumulating billable data. Haumont and Alloune combined do not specifically

teach transferring information between the first and second SGSN. However, Hasan

teaches exchanging information between the first SGSN and the second SGSN (col. 1,

line 62 – col. 7, line 35). Haumont teaches services accessible via a subscription in a

telecommunication system, and particularly to a subscription having an account and a

predetermined limit. Alloune teaches communication billing system that provides

interrelated processing of wireless service events. Hasan teaches a radio

telecommunication systems and a method of call control to minimize delays in launching

multimedia or voice calls in a packet-switched radio telecommunications network. It

would have been obvious to one or ordinary skill in the art at the time of the invention to

modify Haumont to include the specifics of transferring information between the first and

second SGSN. This is to not interrupt the communication when going from the first to

the second SGSN to accomplish this would require information relating to the current

communication being transferred.

36.   Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Haumont (US 20030027554 A1) in view of Alloune et al. (US 6615034 B1) further view

of Cushnie (2000) in further view of Kari et al. (US 6480485 B1) as shown above in

further view of Official Notice now admitted prior art, in further view of Faccinn et al. (US

20020127995 A1).

37.   Regarding claim 6, Haumont teaches wherein the step of accumulating billable

data count at the GGSN comprises the step of accumulating different types of data

counts for different billable data rates (¶ 18, 24-25, 29-43, 62). Official notice now

admitted prior art is taken that it was well known in the telecommunications art at the

time of the invention for a type of data to have different billable data rates. For example

peak time, incoming calls, call from the same network, off peak time all sends the same

data but is billed at a different rate based on when the call comes in and from whom.

38.   Regarding claim 7, Haumont teaches wherein a first type of data is provided at

no cost to the subscriber and does not accumulate a data count at the GGSN, another

type of data is accumulated at a first rate at the GGSN, another type of data

accumulates at a rate lower than the first rate at the GGSN, and another type of data

accumulates at a rate greater than the first rate at the GGSN (¶ 18, 24-25, 29-62, 80).

Official notice now admitted prior art is taken that it was well known in the

telecommunications art at the time of the invention for a type of data to have different

billable data rates. For example peak time, incoming calls, call from the same network,

off peak time all sends the same data but is billed at a different rate based on when the

call comes in and from whom. Thus a first of a first type, a second of a first type, and a

third of a first type all having different rates but all being the same data.

Conclusion

        Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

        A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to JAMIE H. SWARTZ whose telephone number is

(571)272-7363. The examiner can normally be reached on 8:00am-4:30pm Monday-

Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Kambiz Abdi can be reached on (571)272-6702. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

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USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. H. S./
Examiner, Art Unit 3684

/Susanna M. Diaz/

Primary Examiner, Art Unit 3684